

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 27, 1979
9:00 A.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman,
Mayor Pro Tem Himmelblau, Councilmembers Snell,
Trevino

Absent: Councilmember Mullen

INVOCATION

The Invocation was given by Daniel Davis, Unification Church.

EMPLOY THE HANDICAPPED WEEK

Mayor McClellan read a proclamation designating the week of October 7-13, 1979, as Employ the Handicapped Week. Kathy Atha, Scott Huston and John Brubaker were in the Council Chamber to accept the proclamation. Mr. Brubaker expressed their appreciation.

OSTOMY AWARENESS MONTH

Mayor Pro Tem Himmelblau read a proclamation designating September 27, 1979 as Ostomy Awareness Month. Ms. Elizabeth Mosely, Vice President, United Ostomy Association, Austin, Texas Chapter, expressed her thanks. Ed Stafford and Carol Laubach, President, were also present to accept the proclamation.

LIFE INSURANCE WEEK

J. Herschel Kelley, President and Ray Parker, Board Member, Austin Association of Life Underwriters, accepted with their thanks a proclamation read by Mayor Himmelblau designating the week of October 8 through 14, 1979 as Life Insurance Week.

GRANDPARENTS DAY

Mayor McClellan read a proclamation declaring the 27th day of September, 1979, as Grandparents Day, and asked that the proclamation be spread upon the Minutes.

"PROCLAMATION"

WHEREAS, by act of Congress during 1978, a National Grandparents Day was established and signed into law by the President of the United States as a holiday devoted to fostering respect and honor for the grandparents of our nation; and

WHEREAS, our grandparents and great grandparents bore the hardships and made the sacrifices that helped make this a great nation, and they continue to contribute to our social, economic and emotional life; and

WHEREAS, each family is effected by the wisdom, courage and values established by their forebears and passed on through the generations; and

WHEREAS, as Americans live longer, more and more families are enriched by their shared experiences with grandparents.

NOW, THEREFORE, I, Carole Keeton McClellan, Mayor of the City of Austin, Texas, do hereby proclaim Sunday, September 9, 1979, as

GRANDPARENTS DAY

in Austin and urge all citizens to pause and to reflect on the influence your grandparents have had in shaping your destiny.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Austin to be affixed this 27th Day of September, 1979, A. D.

/s/ Mayor Carole Keeton McClellan

ATTEST:

/s/ Grace Monroe
City Clerk

CLASS INTRODUCED

Mayor McClellan introduced two fourth grade classes from Josephine Houston Elementary School who were in the Chamber audience. Their teachers are Mrs. Milner and Mrs. Smith.

MINUTES APPROVED

Mayor Pro Tem Himmelblau moved that the Council approve the Minutes for Special Meetings of September 4, 6, 12, 1979, and Regular Meetings of September 13 and 20, 1979, with an addition on Minutes of September 13, 1979. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmember Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Absent: Councilmember Mullen

BOARD AND COMMISSION APPOINTMENTS

Mayor McClellan announced the following Board and Commission appointments will be made October 11, 1979:

Joint Airport Zoning - 1
Community Development Commission - 2
Plumbing Advisory Board - 1
Employees' Retirement System - 1
Wrecker Standards Commission - 1
On-Going of Goals Assembly Committee - 1
Manpower Advisory Planning Council - 15
MH/MR Board - 2
Arts Commission - 5
Building Standards Commission - 1
Construction Advisory Committee - 3
Human Relations Commission - 1
Urban Transportation Commission - 1
Electric Utility Commission - 3
Hospital Board - 3

LEASE AGREEMENT

Councilmember Goodman moved that the Council adopt a resolution to authorize execution of a Lease Agreement between the City of Austin and Ace Drug Marts, Inc., for the purpose of leasing certain city-owned land for parking purposes. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

EASEMENT RELEASE

Councilmember Goodman moved that the Council adopt a resolution authorizing release of the following easement:

A Public Utility and Drainage Easement located in Lot B, Mary Kate's Subdivision, 1800 Block Raleigh Avenue. (Requested by Robin and Linda Doughty, owners)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution authorizing release of the following easement:

A portion of a Drainage and Public Utility Easement retained when an alley abutting Lots 2 and 3 Block 138, Original City of Austin was vacated. Local address 406 East 11th Street. (Requested by Tom R. Doyal for the Texas Association of School Boards)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution authorizing release of the following easement:

The City's interest of a portion of a Drainage Easement located in Lots 6 and 11, Commerce Square Subdivision, 700 block Bastrop Highway (US Highway 183). (Requested by Harry Johnson, State Department of Highways and Public Transportation for John T. Jones, Jr., Trustee)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution authorizing release of the following easement:

A Drainage Easement located in Lots 2 and 3, Block D, Castlewood Forest, Section 7, locally known as 2506 Comburg Castleway.
(Requested by Leonard W. Young, owner)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

RIGHT OF WAY FOR TRANSMISSION LINE

Councilmember Goodman moved that the Council adopt a resolution entering into a Professional Service Agreement with Duane Ragsdale, replacing the agreement with Morris Dye, previously approved by Council on August 9, 1979, to acquire Right-of-Way for Transmission Line Circuit #943 and South Texas Project Circuit #3123. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

CONTRACTS APPROVED

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

WESTINGHOUSE ELECTRIC CORPORATION
201 North St. Mary's Street
San Antonio, Texas

- Exciter Replacement Fuses, Westinghouse
Decker Power Plant, Unit #2, Power
Production Division, Electric Utility
Department.

Item 1, 24 @ \$209.00

Item 2, 24 @ \$209.00

Total \$10,032.

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

PACIFIC PUMPS, Subsidiary of Dresser Industries, Inc.
6830 Wynnwood
Houston, Texas

- Emergency Purchase, reference: Purchases and Stores Policy P-6.8 "Emergency Purchase of Material and Supplies," Decker Power Plant, Unit No. 2, Electric Utility Department - \$26,000.00

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following contracts:

Bid Award:	- Luminaires, Electric Utility Department 12 month supply agreement
TECHLINE, INC. 8750 Shoalcreek Boulevard Austin, Texas	- Items 1, 9-12 - \$110,755.37
GRAYBAR ELECTRIC 7434 North Lamar Austin, Texas	- Items 2-8 - \$50,364.90
NUNN ELECTRIC 622 Morrow Austin, Texas	- Item 13 - \$1,599.84

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

WAGGONER CONSTRUCTION COMPANY in a joint venture with GALLAGHER EQUIPMENT COMPANY 11011 Research Boulevard Austin, Texas	- CAPITAL IMPROVEMENTS PROGRAM, Engineering Department 1977-78 Safe School Sidewalk Program - \$208,162.95 C.I.P. No. 78/75-02
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The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,
Engineering Department
Robert Mueller Municipal Airport
West-Side Service Road and Utilities
\$306,758.65 C.I.P. No. 78/81-12

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

AUSTIN ENGINEERING COMPANY
6304 West Bee Caves Road
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,
Engineering Department
Red River Street Relocation from
32nd Street to 38-1/2 Street -
\$1,579,928.00 C.I.P. No. 75/62-07

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

AUSTIN ROAD COMPANY
428 East Anderson Lane
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM,
Engineering Department
Clarksville Area Street and Drainage
Improvements Phase 2 & 3 - HCD -
\$458,889.50 C.I.P. No. 77/62-01

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

OLMOS CONSTRUCTION COMPANY
1003 Howard Road
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM
Engineering Department
Robert Mueller Municipal Airport
Tie-Down Apron and Stub-Out from
Taxiway "J" to Taxiway "G" -
\$355,931.65 C.I.P. No. 79/81-02

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

STEWART & STEVENSON SERVICES, INC.
9594 South Spur 122
San Antonio, Texas

- Spare Transmission for Vehicle and
Equipment Services Department
Service Center #6 Fire Station,
GM No. H T 740 D, "Fire Pumper
Special."
Item 1 - 1 ea. \$6,818.00

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

SEABOARD ELECTRONICS COMPANY
70 Church
New Rochell, New York

- Cameras and Robbery Alarm System,
Police Department
100% Federally funded through ICAP
(Integrated Criminal Apprehension
Program)

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

GRAY ELECTRONIC CONTRACTOR, INC.
2227 East Ben White Boulevard
Austin, Texas

- Video Cassette Tapes, Police
Department
Twelve Month Supply Agreement
Item 1 - \$7,038.00

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

FIRE PROTECTION SERVICE COMPANY
2666 Myrtle Springs
Dallas, Texas

- Firefighting Safety Gloves, Fire
Department
Item 1-4, 516 pairs @\$11.00
Total \$5,676.00

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following contract:

AMERICAN PETROFINA COMPANY OF TEXAS
Second and Scurry Streets
Big Spring, Texas

- Cut-Back Asphalt and Asphalt
Cement, Street and Bridge Division
Twelve Month Supply Agreement
Item 1.1 thru 1.4 - \$45,476.00

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

CITY REPAIR OF VEHICLE LOOP DETECTORS

Councilmember Goodman moved that the Council adopt a resolution entering into an agreement with the State Department of Highways and Public Transportation for the City repair of vehicle loop detectors for traffic signals on U.S. 183 between Burnet Road and R.M. 620. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

TEMPORARY STREET CLOSINGS

Councilmember Goodman moved that the Council adopt a resolution approving the following temporary street closing:

Pearl Street from 24th to 25th Streets from 12 noon to 4:00 p.m.,
October 5, 1979 as requested by Mr. Richard S. Seline representing
Interfraternity Council.

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following temporary street closing:

Leon Street from 26th to 25-1/2 Streets from 3:00 p.m. to 6:30 p.m.,
October 5, 1979 as requested by Mr. Scott L. Sledge of Silver Spurs.

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

Councilmember Goodman moved that the Council adopt a resolution approving the following temporary street closing:

Leon Street from 26th to 25-1/2 Streets from 2:00 p.m. to 7:00 p.m.,
October 11, 1979 as requested by Mr. Riley R. Stephens representing
Sigma Alpha Mu/Kappa Fraternities.

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

DISBURSEMENT OF HIGHWAY PLANNING FUNDS

Councilmember Goodman moved that the Council adopt a resolution to authorize execution of an agreement between the City of Austin and the Austin Transportation Study Policy Advisory Committee which provides for the disbursement of \$83,083.00 Federal Highway Administration Section 112 Planning Funds. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

AGENDA ITEMS PULLED

Councilmember Goodman moved that the Council pull from the agenda the following two resolutions:

Consider authorizing submission of a non-financial agreement for fiscal year 1980 in the amount of \$245,832 to Texas Education Agency, for the provision of institutional classroom instruction, under Section 204 of the Comprehensive Employment and Training Act, re-authorized in 1978, to serve 250 CETA Title II - Section 204 participants.

Consider extension of a contract with Houston Lighting and Power Company providing for the sale of electric generating capacity for calendar years 1982-1985.

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

AFFILIATION AGREEMENT

Councilmember Goodman moved that the Council adopt a resolution to enter into an affiliation agreement between City of Austin/Brackenridge Hospital and Texas A & I University for the purpose of providing clinical experience for Texas A & I Medical Technology Students. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

Mayor Pro Tem Himmelblau commented that this is the best contract she has seen and expressed her thanks to Mr. Spurck, Director, Brackenridge Hospital.

ANESTHESIA SERVICES AT BRACKENRIDGE

Councilmember Goodman moved that the Council adopt a resolution to authorize a contract between the City of Austin and Capital Anesthesiology Association for the provision, direction, and supervision of anesthesia services at Brackenridge Hospital in the amount of \$265,000. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

REQUEST FOR TEXAS LEGISLATION AMENDMENT

Councilmember Goodman moved that the Council adopt a resolution requesting the Texas Legislature to amend Article 7244c, V.T.C.S., concerning the law requiring notices of certain tax increases. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

PUBLIC HEARINGS SET

Councilmember Goodman moved that the Council set public hearings on the following appeals:

An appeal from Eddie and Glen Hanseler on the decision of the Building Official not to issue a permit for the construction of a boat dock extending beyond 30 feet into Lake Austin, on October 11, 1979 at 11:00 A.M.

An appeal from Mr. and Mrs. James Curtis Bostic on the decision of the Planning Commission concerning Water Development Permit No. 79-06-3461 on October 4, 1979, at 6:00 P.M.

The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

ITEM PULLED FROM AGENDA

Councilmember Goodman moved that the Council pull from the agenda for one week consideration of setting a City Council Work Session to discuss the consultant's Airport Site Selection Study. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

U.S. STEEL v. BULLOCK

Councilmember Goodman moved that the Council adopt a resolution authorizing the City of Austin's participation along with other Texas cities, in U.S. Steel v. Bullock. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

Mayor McClellan stated: "This is a most important case on the validity of the City sales tax and our share of that is \$10,400 participation for outside attorneys."

APPEAL OF RAILROAD COMMISSION'S DECISION

Councilmember Goodman moved that the Council adopt a resolution authorizing an appeal of the Railroad Commission's decision in the 1978 Southern Union Gas rate case. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

ENVIRONMENTAL BOARD

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF THE CITY OF AUSTIN OF 1967 TO CHANGE THE NAME OF THE "CITIZENS' BOARD OF NATURAL RESOURCES AND ENVIRONMENTAL QUALITY" TO THE "ENVIRONMENTAL BOARD"; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan,
Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

ORDINANCE AMENDMENT RE SALE OF GOODS

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE AMENDING SECTION 31-4 OF THE AUSTIN CITY CODE OF 1967 BY THE ADDITION OF SUBSECTION g(5); PROVIDING AN EXCEPTION TO THE SALE OF GOODS OR MERCHANDISE UPON PUBLIC STREETS, SIDEWALKS, RIGHTS-OF-WAY, ETC.; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the third time, and Mayor Pro Tem Himmelblau moved that it be finally passed. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Trevino, Cooke

Noes: Councilmember Snell, Mayor McClellan

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan stated: "I do want the record to reflect the proposed amendment to Section 31-4 from Urban Transportation Commission. The Transportation Commission, as I understand this Mr. Ternus, did not ... I had asked that they review the License Agreement to allow a trolley car on Neches and 6th Street. They did not review it because it had already been acted upon by Council, so they chose not to do that, however, they did, on a 5-2 vote suggest endorsing an amendment to Section 31-4 with the following additions: City of Austin, prior to the granting of any such License Agreement or review of the License Agreement application shall be considered by the Urban Transportation Commission and its recommendation forwarded to the City Council prior to any action by the City Council." Councilmember Cooke asked if this will be brought back in ordinance form. Mayor McClellan said, "Yes, and I want the Minutes to reflect that, but they did not review this particular one because we had already acted upon it.. My position was we shouldn't be taking that action without their review."

ORDINANCES ACTED UPON PREVIOUSLY
1979-80 OPERATING BUDGET

The following two ordinances were voted upon during a Special Called Council meeting on September 26, 1979:

Consider an ordinance adopting the 1979-1980 Operating Budget.

Consider an ordinance adopting the 1979-1984 Capital Improvements Budget.

Mayor McClellan said, "There is one question we had on the Operating Budget. We had one situation brought to our attention by the Legal Department where if we could reduce by the same amount, but not the specifics, it could take care of the situation where we have people doing the legal work on claims and what not. My question is, are we posted in such a manner since we've already adopted the Operating Budget and the C.I.P. that we can take that action?"

Councilmember Cooke asked for an explanation. The Mayor explained, "We were specifying the Clerk B positions. They are saying, take that same dollar amount reduction, but don't specify. They were shifting some A's to B's and they can retain the same personnel, still stay within the same operating budget if we don't specify which particular positions. ... I would suggest as part of that Operating Budget that we have adopted that we clarify, Mr. Harris, that instead of those specific deletions we delete that dollar amount from your budget."

Mr. Harris, City Attorney, stated, "With the City Manager's authority under the Charter, he will be able to make that transfer out of our court cost funds to our personnel account funds and we will retain the existing personnel in the budget. I appreciate the consideration."

Mayor McClellan said, "All right we'll roll that into the consent motion." City Clerk Grace Monroe asked for an explanation. Mr. Harris said, "It's a \$28,000 shift from one account to the other account to handle the personnel that would otherwise be deleted and it will reduce the court costs by that much and it will not be any increase in the budget of the Claims Division Department, but it will allow us to keep those personnel on board and it will enable us to collect \$3-500,000 which we would not be able to collect if those existing personnel were deleted from the budget." Mr. Davidson said, "We'll get specific wording to the Clerk." Mr. Harris further explained, "This is not an amendment to the budget. Under the Charter the City Manager has the authority to make adjustments and he can always be reviewed by the Council on his activities there and this is just a clarification that Council deems if the Manager exercises his authority in this particular way that it will meet with their approval. ...and it is appropriate to consider here with this posting as it is."

Motion

Mayor Pro Tem Himmelblau moved that the Council clarify the budget of the Legal Department by shifting \$28,000 from the court cost funds to the personnel account funds; this will not change the total of the 1979-80 Operating Budget. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan,
Councilmember Cooke
Noes: None
Absent: Councilmember Mullen

CENTER FOR BATTERED WOMEN

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings and finally pass an ordinance amending the 1978-79 Operating Budget by appropriating \$25,000 from the ending balance of the General Fund for the Center for Battered Women. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Councilmember Cooke
Noes: None
Absent: Councilmember Mullen

Later in the day, there was a motion to reconsider:

Mayor Pro Tem Himmelblau moved that the Council reconsider the ordinance to appropriate \$25,000 for the Center for Battered Women. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan,
Councilmembers Cooke, Goodman, Mayor Pro Tem
Himmelblau
Noes: None
Absent: Councilmember Mullen

Mayor Pro Tem Himmelblau questioned whether or not the Home Builder's Association, which is building the new Center for Battered Women can make do with the \$50,000 the Council voted last week, without an additional \$25,000.

JOHN McFALL, President, Austin Homebuilders Association, appeared before Council and related how the idea for the Association to build the Center originated because the present structure is not worth remodeling. He said the homebuilders of Austin are contributing their own time and money to build the Center, and the extra \$25,000 would be most helpful.

Mayor McClellan introduced the following ordinance:

790921-P
E17

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, amending the 1978-79 Operating Budget by appropriating \$25,000 from the ending balance of the General Fund for the Center for Battered Women. The motion was seconded by Mayor McClellan.

Mayor Pro Tem Himmelblau agreed with Mr. McFall that spending \$105,000 on the present house to remodel it would do nothing to expand the space, while the new Center would hold 24 people rather than 14. She did state her opposition to amending the ending balance of the 1978-79 Operating Budget. She asked Mr. Daron Butler, Director of Research and Budget, what the ending balance figure is. He stated it is \$7,900,000. Mayor Pro Tem Himmelblau said she was ready to vote in favor of the ordinance.

Mr. McFall said he would like to publicly thank the people of Austin.

Roll Call on Motion

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCE

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 2.48 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3906 SPICEWOOD SPRINGS ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (C. Dotson Smith, C14-78-068)

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

CITY SERVICE ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE AUSTIN CITY CODE (ZONING ORDINANCE); PROVIDING NEW FEES FOR THE PROCESSING OF APPLICATIONS FOR SPECIAL PERMITS; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY, AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 1979.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 41 OF THE CODE OF THE CITY OF AUSTIN (SUBDIVISION ORDINANCE); PROVIDING FOR NEW FEES FOR THE PROCESSING OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS; PROVIDING NEW FEES FOR THE PROCESSING OF APPLICATIONS FOR SUBDIVISIONS; PROVIDING NEW FEES FOR PLAT VACATIONS, MULTI-SERVICE CONTRACTS AND AMENDMENTS TO THE MASTER PLAN; PROVIDING A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 1979.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780119-I BY PRESCRIBING AND LEVYING NEW RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE WATER AND THE WASTEWATER SYSTEM OF THE CITY OF AUSTIN FOR ALL USES OF SUCH WATER CONNECTIONS AND FACILITIES BEGINNING WITH BILLS RENDERED ON OR AFTER OCTOBER 1, 1979; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 1979.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF THE CITY OF AUSTIN 1967; PRESCRIBING AND LEVYING RATES AND CHARGES FOR TREATING AND/OR DISPOSING OF SEPTIC TANK WASTES, WASTE EXCESS ACTIVATED SLUDGE FROM PACKAGE WASTEWATER TREATMENT PLANTS, OR OTHER APPROVED WASTES BY THE CITY OF AUSTIN'S WASTEWATER TREATMENT SYSTEM; RESTRICTING THE TYPES OF WASTE THAT MAY BE ACCEPTED BY THE SYSTEM FOR TREATMENT AND/OR DISPOSAL; IDENTIFYING RECEIVING STATIONS; PROVIDING PENALTIES; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE OF OCTOBER 1, 1979.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780420-I STANDBY EMERGENCY MEDICAL SERVICES FEES PROVIDING FOR A CHARGE OF \$35.00 PER HOUR FOR STANDBY SERVICE BY ONE AMBULANCE AND ITS CREW FOR A MINIMUM OF TWO HOURS; PROVIDING FOR A CHARGE OF \$25.00 PER HOUR FOR ANY CREW WITHOUT AN AMBULANCE; AND PROVIDING FOR 24 HOURS ADVANCE NOTICE OF THE NEED FOR STANDBY SERVICES; AMENDING ORDINANCE NUMBER 780615-D BY ESTABLISHING INCREASES IN EMERGENCY MEDICAL SERVICE CHARGES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ESTABLISHING A CHARGE FOR INTERNATIONAL CERTIFICATES OF VACCINATION; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 24-2.1 OF THE AUSTIN CITY CODE OF 1967, CHANGING THE FEES TO BE CHARGED FOR RECREATIONAL SERVICES; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 28-15 OF THE AUSTIN CITY CODE OF 1967, AS AMENDED; INCREASING RATES CHARGED BY THE CITY OF AUSTIN FOR REMOVING GARBAGE AND RUBBISH FROM DWELLING UNIT PREMISES; DECLARING AN EFFECTIVE DATE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

AN ORDINANCE AMENDING CHAPTER 7, ARTICLE II, CITY SEXTON, OF THE AUSTIN CITY CODE OF 1967, AS AMENDED, BY AMENDING THEREIN SECTION 7-21, DUTIES AS TO INTERMENTS GENERALLY; FEES; REPEALING ALL CONFLICTING ORDINANCES AND RESOLUTIONS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ESTABLISHING FEES AND PROCEDURES FOR THE RELEASE OF EASEMENTS; STREET AND ALLEY VACATIONS, AND THE LICENSING OF ENCROACHMENTS ON PUBLIC PROPERTY AND PUBLIC EASEMENTS; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ESTABLISHING POLICIES AND FEES FOR THE DISTRIBUTION OF BUDGET DOCUMENTS; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

AGENDA ITEMS PULLED

Mayor Pro Tem Himmelblau moved that the Council pull from the agenda for one week consideration of revising the boundaries of the area designated on June 14, 1979, as appropriate for a redevelopment project by deleting the Rainey Street Neighborhood Area. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino,
Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None
Absent: Councilmember Mullen

The Council also pulled from the agenda for one week the City Manager Report on Deletion of Rainey Street Neighborhood Area from the area designated as appropriate for a redevelopment project.

EXECUTIVE SESSION

Mayor McClellan announced that Council will convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes Annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

Council recessed for its Executive Session at 10:00 A.M. and resumed its recessed meeting at 10:20 A.M.

ZONING HEARINGS POSTPONED

Mayor Pro Tem Himmelblau moved that the Council postpone the following zoning hearing for a maximum of six months, with a valid petition to remain on file:

ANNA STENGEL,	2106-2110 East 22nd	From "A" Residence
ARNOLD STENGEL &	Street	1st Height and Area
BOB STENGEL	2200-2204 Coletto	To "O" Office
C14-79-160		1st Height and Area
		NOT Recommended by the Planning Commission

The motion, seconded by Councilmember Snell, carried by the following vote

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Himmelblau
Noes: None
Absent: Councilmember Mullen
Not in Council Chamber when roll was called:

Mayor Pro Tem Himmelblau said she wanted the record to reflect the petition would remain valid for the hearing, when it occurs.

Councilmember Cooke moved that the Council postpone the following zoning hearing to October 4, 1979 at 9:30 A.M., with a valid petition on file:

JET BARTLETT &
DOUG FIKE
C14-79-045

1600-1615 Navasota
900-1004 East 16th
1801-1805 and 1821
Navasota

From "A" Residence and
"C" Commercial
1st Height and Area
To "C" Commercial
1st and 2nd Height and Area
(amended to "O" Office)
NOT Recommended by the Planning
Commission as amended

The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mayor Pro Tem Himmelblau

Noes: None

Absent: Councilmember Mullen

PUBLIC HEARING ON SPECIAL PERMIT FOR PUBLIC HEALTH FACILITIES

Mayor McClellan opened the public hearing scheduled for 9:30 A.M. on an amendment to the Zoning Ordinance relating to the requirement of a Special Permit for public health facilities. Mr. Lillie stated: "The amendment would allow health clinics in any location by Special Permit. Currently the ordinance would require a change in zoning to "O" Office and the City's location for its clinics within Clarksville and St. John's, for example, would require a zoning change within those neighborhoods. This amendment would allow our clinics to go within "A" Residential areas by Special Permit, which would be a site plan, a public hearing by the Planning Commission, and the opportunity for reviewing by the City Council. This has been recommended by the Planning Commission."

No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 (THE ZONING ORDINANCE) OF THE CITY OF AUSTIN OF 1967, AMENDING SECTION 45-28 THEREOF BY ADDING THERETO A NEW SUBSECTION (n); PROVIDING THAT PUBLIC NEIGHBORHOOD CLINICS AND NEIGHBORHOOD CENTERS BE ALLOWED IN ANY USE DISTRICT PURSUANT TO A SPECIAL PERMIT; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke
Goodman, Mayor Pro Tem Himmelblau, Councilmember Snell

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

ZONING HEARINGS

Mayor McClellan announced Council would hear zoning cases scheduled for 10:00 A.M. Pursuant to published notice thereof, the following zoning cases were publicly heard:

MORRIS E. &
MARGARET M. CLARK
C14-79-163

7811 South 1st Street

From Interim "A" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Goodman moved that the Council grant "LR" Local Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro
Tem Himmelblau, Councilmembers Snell, Trevino

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

LUCILLE P. DYE
By Mercedes
Soberon
C14-79-168

4308-4310 Medical Parkway
also bounded by Burnet
Road

From "A" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Goodman moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro
Tem Himmelblau, Councilmembers Snell, Trevino

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CITY OF AUSTIN
By Planning
Department
C14-79-175

Rear of Constant Spring
Drive

From Interim "AA" Residence
1st Height and Area
To "AA" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Goodman moved that the Council grant "AA" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro
Tem Himmelblau, Councilmembers Snell, Trevino

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "AA" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

WILLIAM H. LUEDECKE
By Gene Braun
C14-79-176

721-725 West Powell Lane
8131-8153 North Lamar
Boulevard

From "C" Commercial
1st Height and Area
To "DL" Light Industrial
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Goodman moved that the Council grant "DL" Light Industrial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro
Tem Himmelblau, Councilmembers Snell, Trevino

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "DL" Light Industrial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JAMES K. PRESNAL
By Forest Cooke
C14-79-154

1218-1220 East Live Oak

From "B" Residence
1st Height and Area
To "O" Office
1st Height and Area
RECOMMENDED "O" Office, 1st
Height and Area, noting that the restrictive
covenant as filed by the applicant providing that
no "O" Office use can be made of the tract and no
apartment erected thereon except that consistent
with the site plan approved by the City Planning
Commission. Recommended by the Planning Commission

Mayor Pro Tem Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

EARL V. ALLEN &
LUCILLE ALLEN
By Larry Niemann
C14-79-166

Anderson Mill Road

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area

RECOMMENDED by the Planning
Commission, subject to 183 study which
includes site plan approval prior to the
final passage of the ordinance.

Mayor Pro Tem Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

JOHN MICHAEL
McGUIRE
By Moe Terrell
C14-79-169

1609 West 6th Street

From "B" Residence
2nd Height and Area
To "O" Office
1st Height and Area

RECOMMENDED by the Planning
Commission "O" Office, 1st Height and
Area District, with five feet of right-
of-way to be dedicated along West Sixth
Street.

Mayor Pro Tem Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

EDWIN G. HUDSON
By S. Ferris &
Associates
C14-79-171

5209-5213 Duval Street
501-503 East 53rd Street

From "LR" Local Retail
1st Height and Area
To "GR" General Retail
1st Height and Area
RECOMMENDED by the Planning
Commission subject to a site plan and
that it be noted on the zoning map.

Mayor Pro Tem Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

BEECAVE WOODS 1333-1343 Walsh-
DEVELOPMENT CO., INC. Tarleton Lane
By Terra Firma
Planning
C14-79-177

From Interim "AA" Residence
1st Height and Area
To "A" Residence
1st Height and Area
RECOMMENDED by the Planning
Commission, subject to a site
plan as submitted by the
applicant.

Mayor Pro Tem Himmelblau moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan
Noes: None
Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

SARAH E. BARROW
KEMPER AND
TEXAS COMMERCE
BANK NATIONAL
ASSOCIATION
By John Harvey
C14-79-109

3929-4033 I.H. 35
1600-1724 Ben White
Boulevard

From "C" Commercial
1st Height and Area
To "C" Commercial
3rd Height and Area
NOT Recommended

RECOMMENDED by the Planning
Commission "C" Commercial, 2nd Height and
Area District for interior of tract and
1st Height and Area for a depth of 100
feet along Ben White and I.H. 35. Also
approval from Urban Transportation
Department.

Mayor Pro Tem Himmelblau moved that the Council grant "C" Commercial, 2nd Height and Area District for interior of tract and 1st Height and Area for a depth of 100 feet along Ben White and I.H. 35, subject to conditions, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers
Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "C" Commercial, 2nd Height and Area District for interior of tract and 1st Height and Area District for a depth of 100 feet along Ben White and I.H. 35, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

W. D. BROOKS
By Roy Herber
C14-79-161

13555 Research
Boulevard

From Interim "AA" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended

RECOMMENDED by the Planning
Commission "C" Commercial for the building
only and "O" Office on the remainder.
Zoning should be subject to a site plan
approval which incorporates the U.S.
183 recommendations.

Mayor Pro Tem Himmelblau moved that the Council grant "GR" General Retail, 1st Height and Area District, subject to conditions. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke
Noes: None
Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

Councilmember Cooke asked that the Minutes reflect 13555 Research Boulevard usage was non-conforming when it was zoned.

T. E. BOWLES
By Wiley Stem, Jr.
C14-79-167

5526 South Congress
Avenue, also bounded
by Stassney Lane

From Interim "A" Residence
1st Height and Area
To "C-2" Commercial
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "C" Commercial, 1st
Height and Area

Councilmember Trevino moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino,
Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None
Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

JERNIGAN-CAPRON
HOUSE LAS VENTANAS
By W. Cleigh Nease
C14h-79-011

602 Harthan Street

From "A" Residence
1st Height and Area
To "A-H" Residence-Historic
1st Height and Area
RECOMMENDED by the Planning
Commission

Councilmember Trevino moved that the Council accept the finding of fact a, b, c, h, i, k, l m, and grant "A-H" Residence-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau
Noes: None
Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "A-H" Residence-Historic, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

CHARLES E. ARNOLD
& ADOLPH REINHARDT
By H. Glenn Cortez
C14-73-210

1218-1220 East Live
Oak

To remove restrictive
covenant.
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Himmelblau asked, "In 1973 I was on the Planning Commission when this covenant was put in place and it was done at the request of the neighborhood because of traffic patterns on East Live Oak. I am wondering what the change was to go ahead and delete this covenant." MS. JEAN MATHER, who was in the audience, stated, "That land was sold to Quality Inn for the parking. When that Quality Inn went bankrupt, the land was given to the lawyer in payment. It is not now owned by Quality Inn and they really could not develop it without this removal of the restrictive covenant. The neighborhood approved the site plan for a parking area for 27 cars and has removed their objection to the removal of the restrictive covenant. The zoning will be "O" instead of "B" and they will be restricted to that site plan. It's an office building for the Nurserymen's Association."

Mayor Pro Tem Himmelblau moved that the Council grant removal of the restrictive covenant. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Trevino, Cooke, Goodman, Mayor Pro Tem
Himmelblau, Councilmember Snell

Noes: None

Absent: Councilmember Mullen

Not in Council Chamber when roll was called: Mayor McClellan

The Mayor Pro Tem announced that the restrictive covenant had been removed, and the City Attorney was instructed to draw the necessary ordinance to cover.

BELL AVENUE
AREA STUDY
By Planning
Department
C14-79-044

Tract 9: North side of
U.S. 183, approximately
300 feet East of Bell
Avenue
Tract 14: 11879-11877
U.S. 183

From Interim "AA" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission "O" Office, 1st Height and
Area for both tracts, subject to U.S. 183
recommendations.

Mayor Pro Tem Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions, on Tract 9. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau,
Councilmember Snell, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

Not in Council Chamber when roll was called: Councilmembers Cooke,
Trevino

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, subject to conditions, on Tract 9, and the City Attorney was instructed to draw the necessary ordinance to cover.

Councilmember Goodman moved that action on Tract 14 be postponed to October 11, 1979, at 2:30 p.m. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro
Tem Himmelblau, Councilmember Snell

Noes: None

Absent: Councilmember Mullen

Not in Council Chamber when roll was called: Councilmember Trevino

Before the motions were made and the roll called the following discussion took place:

Mr. Lillie reviewed the application by use of slides.

MR. DON BIRD, representing the applicant, said the owner of the car wash has a non-conforming use of the property. If the zoning is granted, he will remove the truck bay, put up brick walls and change the truck bay to two car bays. He is requesting "GR" in order to improve what is already there, and was there before property was annexed and zoned.

MR. COYLE BUHLER, representing the neighborhood, thought Bell Avenue should be closed and Tweed Court opened. Until a transportation plan is implemented, they are isolated and he does not think they should have further zoning. He also mentioned they want a privacy fence between them and the car wash, if the zoning is granted. Mr. Joe Ternus suggested they postpone action on Tract 14 for two weeks. Councilmember Cooke thought it would be beneficial for Council to see the plans.

CITY OF AUSTIN
PLANNING
DEPARTMENT
(Original zoning)
C14-79-172

901-913 East Live Oak
2201, 2207-2307, 2204 and
2208-2306 Alta Vista
Avenue
900-904 and 901-903 Chats-
worth Circle
2206-2300, 2207-2301, 2400-
2712 and 2401-2711 East
Side Drive
700-704 and 701-703 Wick-
ford Circle
700-704 and 701-705 Buck-
ingham Circle
600-604 and 601-603 Sand-
ringham Circle
515-519 and 707-727 East
Oltorf Street
600-802 and 405-803 Long Bow Lane
406-806 St. Edwards Drive
2600-2602, 2612-2714 and 2601-2715 Carnavon Lane
2400-2714 and 2601-2715 Sherwood Lane
2500-2712 and 2501-2713 Friar Tuck Lane
2600-2710 and 2601-2711 Nottingham Lane
2400-2716 and 2401-2717 Little John Lane
600-604 and 601-605 Kentshire Circle
(Interim "A" to "AA")

2401-2511 Sherwood Lane
404-508 Long Bow Lane
2604-2610 Carnarvon Lane
2203-2205 and 2206 Alta Vista Avenue
810, 906 and 911-1109 East Oltorf Street
1300-1406 and 1301-1309 St. Edwards Drive
2700-2804 and 2701-2807 St. Edwards Circle
(Interim "A" to "A")

From Interim "A" Residence
1st and 2nd Height and Area
To "A" Residence
1st Height and Area
NOT Recommended
RECOMMENDED by the Planning
Commission the entire tract
that is already in single-fam-
ily dwellings permanent "AA",
duplexes permanent "A" and
"A" Residence on the vacant
tract and that this will in no
way prejudice future zoning
applications on any portion of
the tract.

Mr. Lillie reviewed the application with slides.

MRS. EILEEN RIVERA, coordinator for the neighborhood, appeared to state they want the area zoned "A" Residence and "AA Residence. They have a petition of 437 signatures to grant this zoning on the vacant tract also because they want zoning consistent with the rest of the neighborhood. They do not want any more apartments in the area.

DANNY CREST, who lives on Alta Vista, said he echoed Mrs. Rivera's comments.

MARGRET HOFMANN appeared in favor of the zoning.

BILL RIVERA urged support of the zoning. He asked members of the audience who were in the Chamber for zoning approval to stand.

WOODROW SLEDGE spoke to the 40-acre vacant tract. He felt it should not be available to high density.

RUBY GOODWIN, 2707 Sherwood Lane, said the traffic problem is immense now and they do not need more traffic.

RALPH FINDLEY, who lives and works in the area as principal of Travis Heights 6th Grade Center, asked for granting of the zoning. He described the terrible traffic problem which now exists.

ROBERT DAVIS, speaking for Lynne Storm, owner of the vacant lot, spoke against the proposed zoning, saying the neighbors are seeking to zoning Mr. Storm's tract for him.

Councilmember Cooke moved that the Council grant the entire tract that is already in single-family dwellings permanent "AA", duplexes permanent "A" and "A" Residence on the vacant tract, and that this will in no way prejudice future zoning applications on any portion of the tract, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "AA" on the entire tract that is already in single-family dwellings, "A" on duplexes, and "A" Residence on the vacant tract, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

NAOMI C. PLANT
By Joy A. Bailey
C14-79-164

7807-7809 South 1st Street From Interim "A" Residence
1st Height and Area
To "LR" Local Retail
1st Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the application with slides.

MS. JOY A BAILEY, realtor at 4801 Manchaca Road, representing the owner, presented points in favor of "LR" zoning. She said the adjacent zoning is already commercial and the area is needed for commercial zoning since the nearest area for commercial development is on William Cannon, nearly a mile and one half away.

Mayor Pro Tem Himmelblau moved that the Council grant "LR" Local Retail, 1st Height and Area District. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the change had been granted to "LR" Local Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

HOFHEINTZ-REISSIG East 3rd and Red River
STORE WATERLOO
COMPOUND
C14h-79-010

From "C-2" Commercial
4th Height and Area
To "C-2-H" Commercial-Historic
1st Height and Area
RECOMMENDED by the Planning
Commission

Mayor Pro Tem Himmelblau questioned whether this should be zoned historic, because of one house in the compound whose date of construction she questioned. JOE BARRENTIN, representing the applicant, showed slides of the compound to validate the authenticity.

Councilmember Cooke moved that the Council accept the finding of fact a, b, c, h, i, k, l, m, and grant "C-2-H" Commercial-Historic, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmember Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

Not in Council Chamber when roll was called: Councilmember Snell

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

Zonings Denied

MAX R. HADDICK 7212-7236 Manchaca Road
C14-79-112

From "A" Residence
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the application by use of slides.

MR. HADDICK appeared before Council, said he wanted to use the area for a business when he retired. At the time he bought the land the Council in office at the time told him the business he planned would be all right.

MARILYN SIMPSON, Vice-President, Whispering Oaks Neighborhood Association, spoke against the zoning change and refuted statements made by Mr. Haddick. Mr. Haddick pointed out that there have been no houses built on Manchaca Road for the past 20 years.

Councilmember Goodman moved that the Council uphold the recommendation of the Planning Commission and deny the zoning change. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino,
Mayor McClellan, Councilmembers Cooke, Goodman

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the zoning change had been DENIED.

POOL & ROGERS
PAVING COMPANY,
INC.
By James Bryce
C14-79-131

3603 South 2nd Street

From "A" Residence
1st Height and Area
To "C" Commercial
1st Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the application by use of slides.

MR. JOE ROGERS appeared and said he wanted the zoning change in order to legalize the parking of his paving equipment, because he needs a place to park his machine each evening.

Mayor Pro Tem Himmelblau asked if the use to which Mr. Rogers was putting his property is non-conforming and Mr. Lillie said he was in violation. Councilmember Goodman said Council sympathizes with Mr. Rogers' problems, but the zoning should not be changed.

Councilmember Goodman moved that the Council uphold the recommendation of the Planning Commission, and deny the zoning change. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mayor Pro Tem Himmelblau

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the zoning change had been DENIED.

EDDIE DEAN
C14-79-144

2506 South Lamar at
corner of La Casa

From "O" Office
1st Height and Area
To "GR" General Retail
1st Height and Area
NOT Recommended by the Planning
Commission

Mr. Lillie reviewed the application by use of slides. No one appeared to be heard.

Mayor Pro Tem Himmelblau moved that the Council uphold the recommendation of the Planning Commission and deny the zoning change. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Himmelblau, Councilmember Snell

Noes: None

Absent: Councilmember Mullen

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been DENIED.

P. C. VENTO
By Irma Vento
Uyan
C14-79-159

6605 Antelope Circle

From Interim "A" Residence
1st and 6th Height and Area
To "LR" Local Retail
1st and 6th Height and Area
NOT Recommended by the Planning
Commission

No one appeared to be heard.

Councilmember Snell moved that the Council uphold the recommendation of the Planning Commission and deny the zoning change. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the zoning change had been DENIED.

RECESS

Council recessed its meeting at 12:40 P.M. and resumed its recessed meeting at 2:35 P.M.

1979 TAX ROLL APPROVED

Councilmember Cooke moved that the Council adopt a resolution approving the Tax Roll for 1979 in the amount of \$3,789,487,573.00. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Absent: Councilmember Mullen

TAX RATE ESTABLISHED

Mayor McClellan announced, "We have scheduled for 2:00 P.M. our vote on proposed property tax increase and adopting of Ordinance establishing the tax rate and levying taxes for 1979. Fortunately we do not have a property tax increase. Our tax rate is precisely the same 28¢ net, 68¢ operating for a total of 96¢ per \$100.00 assessed evaluation." Mr. Davidson stated, "We will continue to have the lowest effective tax rate of any major city in Texas."

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE FIXING AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE CITY OF AUSTIN, TEXAS, FOR THE YEAR 1979; AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED; DIRECTING THE ASSESSMENT AND COLLECTION THEREOF; VALIDATING ALL PRIOR AD VALOREM TAX LEVIES; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino,
Mayor McClellan, Councilmembers Cooke, Goodman

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Mayor Pro Tem Himmelblau said she would like a letter to go from Mayor and Council to members of the Board of Equalization thanking them for a job well done, if it is in order. The Mayor told her one will be sent.

Mayor McClellan said, "I want to back track here." (She referred to Item D. 14 on the Agenda which earlier was adopted as a Resolution to request the Texas Legislature to amend Article 7244c, V.T.C.S., concerning the law requiring notices of certain tax increases.) She continued, "We have acted on that already but while we are at this point and talking about proposed tax rate increases that did not occur in that advertisement as it ran, I wanted to get Council's consensus. I intend to present this Resolution to the Texas Municipal League Board and then hopefully get it brought before the full body in a October meeting and put in a Legislative packet for TML. I want everyone's official concurrence on that. Is it properly posted for today?" Mr. Davidson assured her it is.

Motion

Councilmember Goodman moved that the Council authorize the Mayor to present Council's Resolution to request the Texas Legislature to amend Article 7244c, V.T.C.S., concerning the law requiring notices of certain tax increases, to the Texas Municipal League. The motion, seconded by Mayor Pro Tem Himmelblau, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers
Cooke, Goodman, Mayor Pro Tem Himmelblau
Noes: None
Absent: Councilmember Mullen

CONTRACT APPROVED FOR PLEASANT VALLEY ROAD
SOFTBALL COMPLEX IMPROVEMENTS

Council had before it for consideration the appropriation of \$836,258.42 of C.I.P. funds for Pleasant Valley Road Softball Complex Improvements. Councilmember Cooke said, "We approved \$6,000,000 for parks in the 1979 bond election, of which, while we're not obligated because it's unrestricted funds just used in parks, it was identified and we all worked for the \$560,000 and I realize \$836,000, plus was the cheapest bid they got, and I have no problem with the number of dilemmas with the problems Mr. Ehrler's department has had to work with so they could shift around funds and come up with the difference. But where is the \$123,000 of approved bond funds coming from?"

Daron Butler, Budget Director, stated, "If you look at the project for the Pleasant Valley Softball field, that money would have been appropriated for 1979-80 anyway, and when we brought this to you on September 7, because of the way the contract came in, we need to indicate that amount to you in that fashion. It was intended for the project from the very beginning. Because of your approval of the Capital Improvements Program for 1980 yesterday, we now have the authority to spend this money." Councilmember Cooke asked for further clarification.

Mr. Butler checked a copy of the Capital Improvements Program while Council took up other items on the Agenda. Later, he came back to state:

"Mayor, I believe I can answer Mr. Cooke's question now." He then read the description of the project and continued, "The \$560,000 referenced in my memo to the City Manager is referenced from the Softball Complex Item 75/86-56 published on Page 137 of the 1975-80 C.I.P. This one talks about funds for four lighted softball complex at Creek Field. The \$123,00 is from 77/86-13 which is Pleasant Valley Athletic Field FY 79-80 which begins October 1, and provides funds for park and restroom and irrigation for athletic multi-purpose field to be built this year. Evidently what the department and Mr. Eldridge's office and staff did was roll the work to be funded from those two projects into one contract. We have in fact allowed Council to complete its commitments to the voters who approved those bonds January 20, 1979, in one project rather than two."

Motion

Councilmember Cooke moved that the Council adopt a resolution approving the following contract:

RANDALL & BLAKE, INC.
2525 Manana Drive
Dallas, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Pleasant Valley Road Softball
Complex Improvements - \$836,258.42
C.I.P. No. 75/86-56

Ord. 790927-R K.1

Pleasant Valley Softball Complex

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Absent: Councilmember Mullen

This action also covered the City Manager Report scheduled on the agenda as Proposed CIP Fund Transfer for Pleasant Valley Softball Complex.

Motion

Mayor McClellan introduced the following ordinance:

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, approving the CIP Fund Transfer from Pleasant Valley Softball Complex. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers
Snell, Trevino, Mayor McClellan

Noes: Councilmember Cooke

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

ELECTRIC RATE ORDINANCE

Council had before it for consideration an ordinance amending the current Electric Rate Ordinance for an interim rate adjustment to be effective on billings rendered on or after October 1, 1979.

Councilmember Cooke asked if it is correct that the interim rate will change the rates to 8.2% effective October 1? Mr. Davidson said it is if that is the action Council adopts.

Mr. Jorge Carrasco, Electric Utility Department, addressed Council as follows: "The adjustment is scheduled to go into effect with bills rendered on and after October 1st. The current rate will remain as it is except the energy charge portion of the rate will be increased by approximately .45¢ per kilowatt hour. That will reflect the budget as adopted by Council. It will be the interim adjustment and the same adjustment factor will be applied to all the different customer classes. The net effect on a system-wide basis will be to generate additional revenue from customer sales that is 8.2% above the level that would be generated under the current rate. Essentially what will happen,

each of the different customer classes has a different rate under the current rate structure and you will be adding the same additional charge in cents per kilowatt hour to each of the different customer classes so that the percent change may vary depending on what class you are in.

"For the residential multiple fuel customer for the summer month, it will be \$60.15; for the winter months it will be \$40.77; and the annual bill will be \$605.52. (He handed a print-out to Council of break-down of proposed rates. THE CITY CLERK DID NOT RECEIVE A COPY.) For the residential single fuel customer the summer month will be \$59.55; the winter months \$40.67; and the annual bill will be \$601.32. This is for 1,000 kilowatt monthly consumption."

Mayor McClellan asked, "Those interim rates are to be effective October 1 and they will be reflected on the energy charge part of the bill, and that's the way it will stay until the permanent rate change is made?" Mr. Carrasco said that is correct, and stated, "The Utility Commission plans a meeting on October 22 to review the cost of service policy issues that need to be decided upon. Then depending on when those final recommendations are made they will be coming to the City Council. ...It will involve the different returns from the different customer classes, or the revenue requirements from each of the classes. In addition we will have to be going back to our cost of service allocation and reallocate those expenses in accordance with the approval of the budget."

Councilmember Cooke asked, "Are we still on a 1.4 differential for the large customers?" Mr. Carrasco answered, "For the current rate, yes. For all the commercial classes, they are on a 1.4 return differential. ...The timetable for adopting current rates depends on the amount of time that may be necessary for the Commission and Council to review the cost of service policy areas and make decisions on those. After those decisions are made and depending on the amount of change of the current rate form there will be time required to develop the rate tariff which will be brought back to the Council for their authorization and then we'll have to implement the tariff through the billing process."

Councilmember Cooke asked, "What are the major contributors to the rate increase? I know one is the cost of gas."

Mr. Hancock said, "Fuel cost is up, debt service is up, transfer to the general government is up, and some increase in operating cost."

Mr. Davidson, City Manager, stated, "In discussions about the transfer to the General Fund which seems to occur almost weekly, I noticed that the City of Dallas' General Fund gets about \$20,000,000 from Dallas Power and Light, and from franchise tax or gross receipt tax and from property taxes."

In answer to a question by Councilmember Cooke concerning the difference in debt service from last year to this year, Mr. R. L. Hancock, Director of Electric Utility, stated: "The debt service for the 78-79 year as reflected in the budget is \$43,294,400. The anticipated debt service in the 79-80 year is \$52,902,000. ...The increase is due to transmission, distribution, and all of the construction program. The major portion of the expenditure today has been the Fayette Project because it is further along. The major factors are the Fayette and South Texas Projects."

Councilmember Goodman asked for a memo breaking down the exact figures. Mr. Hancock said he would get the figures through the Finance Department.

Mr. Hancock continued, "One thing with respect to the interim rate that Council needs to be aware of. Some months back, if you recall, you passed an ordinance with respect to deferred fuel expenses. That will also be implemented October 1, in conjunction with the rate. It is fairly minor and will show up in the fuel charge because it's a deferred fuel expense in addition to .41 and the deferred fuel will be about .14 or .15. Making the total about .56. One is the interim rate adjustment and the other is the deferred fuel expense which if you recall was addressed with the auditors some months back. ... The Ordinance on the interim rate adjustment simply addresses the interim adjustment with respect to the revenue requirements. It does not include the adjustment with respect to the deferred fuel expense."

Councilmember Goodman, Councilmember Cooke, Mayor Pro Tem Himmelblau, and Mayor McClellan agreed the rate hike is not desirable, not pleasant, but absolutely necessary, and they asked that the record reflect this. Mayor McClellan went on to say "we need to keep the integrity of the system and we do need electricity in this area."

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780119-J OF THE CODE OF THE CITY OF AUSTIN BY PRESCRIBING AND LEVYING AN INTERIM RATE ADJUSTMENT FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE ELECTRIC LIGHT AND POWER WORKS AND SYSTEM OF THE CITY OF AUSTIN BY ADDING A KILOWATT HOUR SURCHARGE, BEGINNING WITH BILLS RENDERED ON OR AFTER OCTOBER 1, 1979, TO RESIDENTIAL, COMMERCIAL, PUBLIC AND OTHER USERS OF ELECTRIC LIGHT AND POWER SOLD AND SERVED BY THE CITY OF AUSTIN; SUSPENDING THE RULE REQUIRING THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino

Noes: None

Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Councilmember Goodman asked that the record reflect that he voted reluctantly yes.

ANNEXATION PUBLIC HEARINGS

Mayor McClellan opened the public hearings scheduled for 3:00 P.M. and 3:15 P.M. on the following:

1. 205.69 acres of land out of proposed Hunter Oaks and Highlands at Oak Forest Subdivisions and additional area. (Requested by owner and the City of Austin) C7a-79-012
2. 4.39 acres of land out of proposed Walnut Crossing Section 5. (Requested by owner) C7a-79-003
3. 73.10 acres of land out of the William Cannon League Survey No. 19, O. H. Pool Subdivision, Beacon Ridge Baptist Church Addition, and Beacon Ridge West. (64.60 acres requested by owner and 8.50 acres initiated by City) C7a-79-008
4. 21.97 acres of land out of the H. T. Davis Survey No. 30 Northridge Park, Section One. (Requested by owner) C7a-79-009

Mr. Brian Schuller, Planning Department, showed slides of the proposed annexation areas, and reviewed the requests. He said Planning Department recommends the annexation.

Mayor Pro Tem Himmelblau asked, "Do we have any recent approach main contracts where this annexation will impact us financially?" Mr. Schuller answered, "I believe on your fiscal impact note you'll notice there were some approach mains mentioned along with the Oak Forest Subdivision."

Mr. Daron Butler stated, "The Council approved on 8-23-79 one wastewater approach main that will be effected by this annexation and it's in the Highlands at Oak Forest and by this annexation act, and if you approve it, our cost will be \$16,850.00" Mayor Pro Tem Himmelblau said that is minimal and said, "In the future when we get annexations, could we have this information?" Mr. Butler said that is a good question and he will see to it.

Motion

Mayor Pro Tem Himmelblau moved that the Council close the public hearings and direct the administration to institute annexation proceedings to annex the following:

1. 205.69 acres of land out of proposed Hunter Oaks and Highlands at Oak Forest Subdivisions and additional area. (Requested by owner and the City of Austin) C7a-79-012
2. 4.39 acres of land out of proposed Walnut Crossing Section 5. (Requested by owner) C7a-79-003

3. 73.10 acres of land out of the William Cannon League Survey No. 19, O. H. Pool Subdivision, Beacon Ridge Baptist Church Addition, and Beacon Ridge West. (64.60 acres requested by owner and 8.50 acres initiated by City) C7a-79-008
4. 21.97 acres of land out of the H. T. Davis Survey No. 30, Northridge Park, Section One. (Requested by owner) C7a-79-009

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmember Snell, Mayor McClellan, Councilmember Cooke, Mayor Pro Tem Himmelblau

Noes: None

Absent: Councilmember Mullen

Abstain: Councilmembers Trevino, Goodman

1978-79 OPERATING BUDGET AMENDED

Council had before it an ordinance to amend the 1978-79 Operating Budget in the amount of \$430,133 from the ending balance of the General Fund. Mr. Daron Butler said the ordinance was before them in light of Council policy and the direction that there are not to be year end ordinances at the close of the fiscal year. At this time, based on financial data available to them at the end of July, they know that four departments will overspend their budget unless additional authority are available to them. He explained the Police Department will overspend by \$157,000 because one of the things reduced in the 78-79 budget was terminal pay. This adversely effected the department because of the unusual number of retirements this year and with the overhire of the cadet class; there were not the normal turnover savings. The Human Relations Department figure of \$2,748 is related to a contract let by the Department to complete work on the Housing Pattern Study. Data Systems, for \$7,926, was explained by saying the Data Systems Department is within its gross appropriation but because in the past 3 months their staff has been peeled off to work for other departments, to work on the financial accounting system, they are down on their billings, so their's comes from under-earning rather than over-expenditure. Transit System overage of \$262,459 is due to the increased cost of diesel fuel, the increasing cost for parts and labor associated with maintenance of the buses, and the revenue projections are not holding up for this system. Mr. Butler said, "To the best of our knowledge, if Council authorizes these amendments we project at this time that all departments will come in within authorized expenditure levels, however, we cannot guarantee that because of the nature of our current accounting system. It is possible that I may be here in November with a set of amendments but it's not because we haven't tried to keep the departments within the Charter mandate to stay within budget."

Mayor Pro Tem Himmelblau asked if they have allowed enough, in the budget adopted yesterday, terminal pay for the Police Department. Mr. Butler answered he thinks the Police Department will stay within its budget next year.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE FISCAL YEAR 1978-1979 BY APPROPRIATING \$430,133.00 FROM THE ENDING BALANCE OF THE GENERAL FUND TO THE BUDGETS OF VARIOUS CITY DEPARTMENTS FOR THE PURPOSE OF MAKING YEAR-END BUDGET ADJUSTMENTS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan
Noes: Councilmember Cooke
Absent: Councilmember Mullen

The Mayor announced that the ordinance had been finally passed.

Appropriation for the following purposes:

\$157,000 to the Police Department
2,748 to the Human Relations Department
7,926 to the Data Systems Department
252,459 to the Transit System.

CITY FACILITIES TO BE USED BY COUNTY
AS POLLING PLACES

Councilmember Goodman moved that the Council grant the request of Ms. Doris Shropshire, Travis County Clerk, for permission to use the following City facilities as polling places on Tuesday, November 6, 1979, for Constitutional Amendment Election:

Doris Miller Auditorium, 2300 Rosewood
Ullrich Water Treatment Plant, 1000 Forestview Drive
Austin Recreation Center, 1213 Shoal Creek Boulevard
City of Austin Fire Station, 506 West Martin Luther King, Jr., Boulevard
City of Austin Fire Station, 100 East 43rd Street
Pan American Recreation Center, 2100 East 3rd Street

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman
Noes: None
Absent: Councilmember Mullen

RESOLUTION FOR DOWNTOWN REVITALIZATION

MRS. DOROTHY WALLACE, Board President, Austin Board of Realtors, appeared before Council to discuss downtown revitalization. She presented the following Resolution to Council:

"WHEREAS the Austin Board of Realtors shares the Council's concern with the future of downtown Austin; and

WHEREAS we believe it is both possible and desirable to restore economic vitality to the downtown area without sacrificing the unique character of that area; and

WHEREAS we support the strategy of a public-private partnership for meeting the challenge posed by the inner city,

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Austin Board of Realtors heartily endorses the concept of downtown revitalization, while acknowledging a need for consideration of the following concerns before a final plan is drafted: (1) the impact of the plan on property owners and the human problems associated with the exercise of eminent domain. (2) the preservation of historical structures and establishment of architectural criteria more in accordance with Austin's unique character, and (3) the provision of adequate parking facilities; and

BE IT FURTHER RESOLVED that we are most willing to share in the planning process which is currently underway."

CITIZEN DID NOT APPEAR

David Tucker, representing the UT Sailing Team, had requested to appear before Council to ask to be allowed to play amplified music past 8:00 P.M. for a Halloween party to raise money for the UT Sailing Team. He did not appear.

PARKING GARAGE AT 9TH AND CONGRESS

MRS. FRANCES MUELLER DANFORTH and R. G. MUELLER appeared before Council to discuss the building of parking garage at 9th and Congress. Mr. Mueller stated they are the owners of the property at 9th and Congress and the plans for the garage were completed without their being contacted about it. They agree the garage is needed, but feel they should have been notified when their property is concerned. The news of the garage caused them to lose a lease which was going to be signed for use of the building on the site. They wondered when there would be definite information about use of their site. Mr. Joe Ternus, Director of Urban Transportation said it would be 45-60 days before the Council will be looking at alternative site plans. Mayor McClellan stated that Mrs. Danforth and Mr. Mueller will be advised of any Council action.

WATER AND WASTEWATER SERVICES

MR. RAYMOND SCHINDLER appeared before Council to request approval of water and wastewater services at 1901 Westlake Drive (3 taps into the Los Altos line.) After discussion and questioning, and a motion made by Councilmember Goodman and then withdrawn, it was decided to put this back on next week's agenda.

ELECTRIC RATES DISCUSSED

MR. SAMMY RITTER, representing Texas Mobilization for Survival, appeared before Council to discuss unneeded increase in electric rates. He said Austin should look at the reasons and ask why. Mayor McClellan invited his participation with the Electric Utility Board and Mr. Davidson said the points raised by Mr. Ritter were good.

ITEM FROM COUNCIL POSTPONED

An item from Mayor Pro Tem Himmelblau to consider adopting a policy to guide the budget process, was postponed for one week.

CITY MANAGER REPORT POSTPONED

The City Manager's report on Clarksville Repair Program was postponed for one week.

HISTORIC ZONING LITIGATION

Mr. Jerry Harris, City Attorney, reported on Historic Zoning Litigation. "This has been going on for some time now in relation to the Driskill Hotel. As you recall the City Council zoned the Driskill Hotel "Historic" back in April of 1976 and in October a lawsuit was filed contesting that zoning which called into question the context of the entirety of the City of Austin's historic zoning ordinance. At the trial court it was determined that because of the irregularity in the notice to the owners of the Driskill property and because of a lack of filing of findings of fact because of a mistake in the field notes, that the zoning ordinance passed by the City Council was not valid. Otherwise the District Court Judge did not take any action in the City of Austin zoning ordinance. The Driskill interests were not satisfied with that ruling and appealed to the Court of Civil Appeals. The Court of Civil Appeals did strike down one section of the Historic Zoning Ordinance only and that was the section that provided that once a member of the Landmark Commission had placed a property on the Agenda for consideration that no demolition permits could be issued until the matter of Historic Zoning was resolved. Since there was not an absolute time limit on how long that freeze would last, the Court of Civil Appeals, the Court ruled that section was invalid. The case was eventually appealed to the Supreme Court by the Driskill interests because they still wanted a declaration that the entire ordinance was invalid.

"Last week the Supreme Court refused to hear that particular case and therefore, hopefully that brings this particular litigation on the Historic Zoning Ordinance to a close. I think first of all what needs to be done, the Section declared invalid by the Court of Civil Appeals needs to be redrafted in such a manner so it will be valid if contested. Some valid methods need to be devised whereby once a case is under consideration for a definite reasonable period of time a freeze will be had on the property. We recommend the City Council instruct the staff to proceed through the Historic Landmark Commission with some suggested amendments so we can bring them back to the City Council on that particular section. With Council's permission we will just proceed immediately first with the Historic Landmark Commission and go through the Planning Commission and bring back to the Council the appropriate amendments."

BOARD AND COMMISSION REPORTS

MAURY HOOD appeared before Council to request a name change for Citizens' Board of Natural Resources and Environmental Quality to Environmental Board. Council informed him this request has been passed by Ordinance during the morning session of the meeting.

Mr. Hood also requested an Environmental Planning Committee be formed with Neal Graham as the Chairman.

Motion

Councilmember Goodman moved that the Council approve the formation of an Environmental Planning Committee, with Neal Graham as Chairman, two members from Zilker Posse, two members from the Environmental Board and two members from Barton Creek Growth Management. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmember Goodman, Mayor Pro Tem Himmelblau, Councilmember Snell

Noes: None

Absent: Councilmember Mullen

Not in Council Chamber when roll was called: Councilmember Cooke

ADJOURNMENT

Council adjourned its meeting at 4:40 P.M.

ATTEST:

Grace Monroe
City Clerk

APPROVED

Conde Keeton McClellan
Mayor